



CHIEF ATTORNEY &  
LEGAL SERVICES

REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY**  
**200 STOVALL STREET**  
**ALEXANDRIA, VA 22332-1800**

April 3, 2013

Alexa D. O'Brien  
MuckRock News  
Dept MR 3779  
P.O. Box 55819  
Boston, MA 02205-5819

Dear Ms. O'Brien:

This is in response to your Freedom of Information Act (FOIA) request dated March 14, 2013 in which you requested a copy:

1. Any and all FOIA requests and communications by or between Thomson Reuters Corporation (including their employees); Reuters Group (including their employees); The Washington Post (including their national enterprise editor and independent author David Finkel or other WP employees) and the U.S. Army to include: emails; letters; memos; meeting minutes; transcripts; presentations; audio; video(s); images; final or draft working documents; papers; reports; forms; as well as FOIA processing notes that concern the July 12, 2007 aerial weapons team Baghdad air strike in the district of New Baghdad in Baghdad and/or a video of the incident, entitled, "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anymore.avi" (aka "Collateral Murder").
2. Any or all incident (s) and/ or security violation (s) reporting, investigation (s), inquiry (ies) preliminary; U.S. Army 15-6 (s) investigations; findings; classification reviews; national security impact statements; damage assessments; and/or 'debriefings' by the U.S. Army with Thompson Reuters Corporation (including their employees); Reuters Group (including their employees); The Washington Post (including their national enterprise editor and independent author, David Finkel or other WP employees), and/or any other individual in the news media concerning any authorized or unauthorized disclosure of information to include: any record(s) or data\product(s) required by Army Regulation 380-5 or otherwise produced emails; letters; memos; meeting minutes; meeting notes; transcripts; presentations; audio; video; images; final or draft working documents; paper; reports; and/or forms about the July 12, 2007 aerial weapons team Baghdad air strike in the district of New Baghdad in Baghdad including a video of the incident, entitled, "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" (aka 'Collateral Murder') between the dates of July 12, 2007 to the present.

Your request was assigned our office tracking number FA-13-0167.

As a preliminary matter, our office does not maintain any records. When we receive a FOIA request, such as the one referenced above, we proceed to identify where responsive documents may be located so that they can be sent to our office for review and potential release. Often coordination with many other offices, activities, or agencies is involved to reply to a single FOIA request.

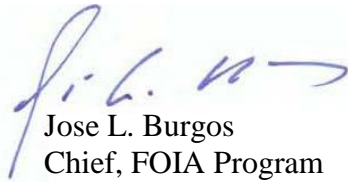
Our office contains none of the documents responsive to your request. Be advised that your initial request to the U.S. Army Freedom of Information and Privacy Acts Division was sent to several U.S. Army FOIA offices. Each referred office is required to respond directly to you for records within their purview. Under 32 CFR part 505; appendix B, the Chief Attorney can only act for the Secretary of the Army on requests for records maintained by the Office of the Secretary of the Army and its serviced activities.

Under the FOIA a government agency is required to make a “good faith effort to conduct a search.” 5 U.S.C. § 552(a)(3)(A). This office coordinated an exhaustive search with the Office of the Administrative Assistant to the Secretary of the Army (OAASA), for any documents under the purview of OAASA related to the documents described in your request letter. However, this search failed to yield responsive records. Our search process involved speaking with FOIA officials and other points of contact that might have been in possession or have knowledge of responsive documents. We have determined that this search was reasonable and that no responsive documents exist under our purview. See Duenas Iturralde v. Comptroller of the Currency, 315 F.3d 311, 3154 (D.C. Cir. 2003).

This letter constitutes a “no record” determination under the FOIA. The Administrative Assistant to the Secretary of the Army delegated Initial Denial Authority (IDA) under the FOIA to the Chief Attorney, to act for the Secretary of the Army on requests for records maintained by the Office of the Secretary of the Army and its serviced activities. If you desire a formal determination by the IDA, write to me and I will present the matter to him for his consideration. Please submit your request addressed to the Chief Attorney & Legal Services Directorate, Office of the Administrative Assistant to the Secretary of the Army, 200 Stovall Street 11<sup>th</sup> Floor, Alexandria, VA 22332-1800, or by fax to (703) 428-1400, within sixty (60) days of the date of this letter. In any such request, you should also provide a justification.

If you have questions or concerns regarding this FOIA request, please contact me at (703) 428-0270 or jose.burgos@us.army.mil. In all correspondence please refer to FOIA number FA-13-0167.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. L. Burgos", is positioned above the printed name and title.

Jose L. Burgos  
Chief, FOIA Program  
Office of the Chief Attorney